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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,239	01/26/2004	Takao Harada	248043US3	6689
22850	7590	08/14/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MCNELIS, KATHLEEN A	
			ART UNIT	PAPER NUMBER
			1742	
			NOTIFICATION DATE	DELIVERY MODE
			08/14/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/763,239

Applicant(s)

HARADA ET AL.

Examiner

Kathleen A. McNelis

Art Unit

1742

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-6.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant has argued that:

1. Meissner et al. does not teach the selective supply of oxygen enriched air for secondary combustion air so that the oxygen concentration in the primary combustion air is lower than in the secondary combustion air.
2. Since Meissner et al. teaches that efficient combustion is achieved due to the high temperatures in the early stage of heating and reduction Meissner et al. teaches against a low oxygen concentration in the primary air.
3. Although examiner has argued that the claims do not preclude an oxidizing atmosphere, this ignores the fact that there is no teaching in Meissner et al. for providing air with a higher oxygen content for secondary air.
4. It would not make common sense to use a higher amount of oxygen in the secondary combustion air since this would risk reoxidizing previously reduced iron oxide.


Examiner's responses are as follows:

1. Meissner et al. discloses at least two sources of air or oxygen enriched air. A source to the burners and an additional source to burn the volatiles and CO evolved from the compacts (col. 6 lines 1-11). Note that either source can be either preheated or oxygen enriched. Examiner previously addressed the limitation regarding a difference between the oxygen content between "primary" and "secondary" air supplies on p. 3 of the 11/22/2006 Office action by citing Meissner et al. '775 col. 6 line 49 - col. 7 line 3 which show the control of atmosphere to be a result effective variable.
2. The instant claims do not require low-oxygen in the primary combustion air. Further, the instant claims do not associate primary combustion air with any particular location of burners within the furnace.
3. See response to argument 1 above. Meissner et al. discloses two sources of preheated or oxygen enriched air, either of which could be considered "primary" or "secondary" sources. Optimization of the amount of oxygen for either or both sources would have been obvious for reasons discussed on p. 3 of the 11/22/2006 Office action, and could lead to one source having a higher oxygen content than the second source, since the purpose of each source is different (Meissner et al. col. 6). Since the instant claims do not require that either the "primary" or "secondary" burners be in any specific location, it would not matter which source had the greater oxygen content.
4. This argument appears to assume that "secondary" combustion is performed in the latter part of the process, however this limitation is not required by the claims. Further, Meissner et al. addresses the concern regarding reoxidation of metallic iron in an oxidizing atmosphere by maintaining at least 1% excess carbon in the metallized compact (col. 6 lines 17-27).

Examiner agrees with the summary of the discussion held between examiner and Mr. Pous on June 22, 2004. The inclusion of rejections based on Nishimura as the primary reference on p. 3 of the 05/09/2007 Office action was in error. These rejection grounds are withdrawn for the reason stated on p. 2 of the 05/09/2007 Office action.

KAM
08/08/2007




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